

Bountiful City
Administrative Committee Minutes
June 16, 2014

Present: Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and John Marc Knight; Assistant Planner – Royce Davies; Recording Secretary – Julie Holmgren

1. Chairman Wilkinson opened the meeting at 5:01 p.m. and all present introduced themselves.
2. **Consider approval of minutes for June 2, 2014.**

Mr. Cheney made a motion to approve the minutes for June 2, 2014. Chairman Wilkinson seconded the motion.

 A Mr. Cheney
 A Mr. Wilkinson
 Mr. Knight - Abstained

Motion passed 2-0.

3. **PUBLIC HEARING - Consider a Conditional Use Permit to allow for Solar Panels at 985 E. Chelsea Dr., Stephen H. Ober and Kathleen A. Dennis, applicants.**

Stephen H. Ober and Kathleen A. Dennis, applicants, were present along with Creative Energies contractors, Mike Walton and Toby Schmidt.

Royce Davies presented a summary of the staff report (the full staff report follows).

The property where the solar panels are to be installed is located in the R-4 Single Family Zone. Solar power panels are classified in the City Ordinance as “private power plants” and require a conditional use permit if they are over 10 Watts. The Applicant has indicated that the photovoltaic system to be installed will produce 5.72 kilowatts (5720 watts), requiring a conditional use permit.

Staff inspection of the property has revealed that the solar panels have been installed without a building permit. It is the policy of Bountiful City to charge a double building permit application fee when work begins without the issuance of a building permit. As such, the applicant will be required to pay a double building permit application fee for the project.

An inspection of the installed solar array has not been conducted by staff. As such, the following only relates to details of the application submitted by the applicant: The application indicates the proposed installation of 1 photovoltaic array of 22 total panels in 2 rows of 7 and 1 row of 8. The array will occupy approximately 281 square feet of the southern roof face of the primary structure. The panels will be mounted parallel with the asphalt shingle roof which has a slope of 5/12. The roof is of truss construction and the panels are to be secured to the trusses with a SnapNrack mounting system secured by 5/16” lag bolts. A review of information provided in the

application indicates that all engineering requirements for the construction of solar panels in Bountiful City will be met. A reflection analysis of the roof pitch indicates that photovoltaic panels should not produce a reflection nuisance to surrounding properties.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall obtain a building permit including payment of required penalties for work performed prior to permit.
2. The panels must be installed only as proposed in the application.
3. This Conditional Use Permit is solely for this site and is non-transferable.

Staff noted that condition one should include the requirement to pay a double penalty.

Following Mr. Davies's report, Mr. Ober asked for clarification that solar panels can be included in a future sale of the home. Mr. Davies affirmed this is the case. Mr. Ober apologized regarding the installation of solar panels at his home without having first obtained the required permit. Mr. Ober explained that prior to the installation, he had discussed the concept of solar panels with neighbors and, on three different occasions, had discussed with the contractor the city's conditional use permit requirement. Mr. Ober left the country and returned expecting it was alright to proceed with the installation and admitted his own negligence in not actually checking for a conditional use permit. Mr. Ober expressed excitement in having the project move forward and noted support of renewable resources.

PUBLIC HEARING: Chairman Wilkinson opened the public hearing at 5:07 p.m. Toby Schmidt, the contractor for the project, explained he has been installing solar panels for about 14 years and, due to an incredibly busy spring, there was a miscommunication at his company regarding the permit. Mr. Schmidt said it was a clerical error on his company's part and certainly not the norm. Mr. Schmidt apologized to the committee. Ms. Dennis expressed gratitude that Bountiful City did not specifically include the words "solar panel" on the conditional use permit sign posted at the home. She said this provided an opportunity for neighbors to stop and inquire about the conditional use permit, and Ms. Dennis was pleased to tell them about solar panels, the benefits, and the cost. The public hearing was closed at 5:09 p.m. with no further comment from the public.

Mr. Knight asked the contractor if he had prior experience working in Bountiful. Mr. Schmidt replied this project was his first in Bountiful. Mr. Knight suggested that greater care be taken on future projects in Bountiful. Mr. Schmidt explained it was not his intention to disregard protocol. Mr. Knight explained that from time to time Bountiful City has contractors who willfully neglect the permit process, and they don't work in Bountiful after that. Mr. Schmidt explained that the nature of his business requires him to obtain a permit because of the net metering aspect. Mr. Schmidt apologized again and expressed that he wants to continue to work in Bountiful on good terms with the city.

Mr. Cheney reflected on a conversation with Mr. Schmidt on June 4, 2014 and explained that much of the conversation centered on Mr. Schmidt's complaints regarding the conditional use permit process. Mr. Cheney inquired regarding the process and asked, "Is it too arduous?" Mr. Schmidt replied that solar systems cost homeowners and he often reflects, "Is the cost associated with doing this process necessary for what's being done?" and further explained that his company has worked in nine different states for 14 years and Bountiful is the first city to use this type of permitting process. Mr. Schmidt questioned the necessity of having solar panels evaluated, when a change in roof color, for instance, does not have to be evaluated. Mr. Cheney replied that a roof installed incorrectly probably would not burn your home down. Mr. Schmidt responded that the Administrative Committee meeting does not concern solars burning a house down, but rather concerns a visual impact to neighbors. Mr. Cheney replied that is only a portion of the meeting's purpose and went on to explain that the work does require a permit. Mr. Cheney reminded Mr. Schmidt that as a licensed contractor, Mr. Schmidt is obligated to follow the industry standard and the requirements of State law which require obtaining a permit before commencing work. Mr. Schmidt reiterated that his failure to obtain a permit was not an intentional act, and said it was an error on his part in thinking he had a permit when he actually did not. He admitted full responsibility for this. Mr. Schmidt again expressed dissatisfaction with Bountiful's requirement of having a city meeting regarding installation of solar panels because he feels it presents an unbalanced playing field, for example, to a neighbor who might be installing a copper roof that is equally as shiny and reflective as solar panels. In addition, Mr. Schmidt expressed dissatisfaction with the cost and time involved with the city meeting. However, he expressed his willingness to abide by the city's process.

Further discussion ensued regarding Mr. Schmidt's comments on Bountiful City's conditional use permit process. Mr. Knight explained the importance of a city needing to keep its city safe through the permit process. Mr. Schmidt continued to express his concern that the Public Hearing process was unnecessary and odd. Mr. Walton added his concern regarding the necessity of a Public Hearing. Mr. Schmidt commented that the solar industry has considerably improved since its inception and that many current rules and regulations apply more to the older period of time and that things are slowly changing. Mr. Schmidt estimated that Bountiful will see more and more solar panels installed and that the permit process may become an issue. Mr. Cheney noted that any assertion that Bountiful is not for solar panels is misguided and, to his knowledge, has never disapproved any project and, in general, the committee is favorable to those projects. For clarification, Mr. Cheney noted that decisions on solar projects are not made by the general public, but are made by the committee.

Mr. Knight made a motion to approve the Conditional Use Permit, with conditions outlined by staff, including the addition of the requirement to pay a penalty added to condition one, to allow for Solar Panels at 985 E. Chelsea Dr., Stephen H. Ober and Kathleen A. Dennis, applicants. Chairman Wilkinson seconded the motion.

N Mr. Cheney
A Mr. Wilkinson
A Mr. Knight

Motion passed 2-1.

4. Consider approval of a Lot Line Adjustment at 2849 South 300 West and 2831 South 300 West, Bountiful, Utah. Tyson Foster and Shannon Saylor, and Joy Christiansen, applicants.

Chad Rawlins (167 E. 2500 S., Bountiful) was present to represent all applicants.

Royce Davies presented a summary of the staff report (the full staff report follows).

The applicants are applying for a Lot Line Adjustment to transfer property from the Christiansen lot (2849 South 300 West) to the Foster lot (2831 South 300 West). Both properties are located in the R-4 single-family residential zone. The Lot Line Adjustment will transfer 373 square feet from the Christiansen lot to the Foster lot. The northwestern property line of the Foster lot will be moved approximately 7 feet to the north. This quit claim parcel will be generally rectangular in shape with the eastern end tapering off to the southeast before closing the parcel. The transfer will increase the square footage of the Foster lot from 9,205 square feet to 9,578 square feet.

No new lots are being created in the transfer of the quit claim parcel so an amended subdivision plat is not required. The amended properties would still conform to the setbacks and lot sizes for this zone required in the City's Land Use Ordinance.

Based on findings, Staff recommends approval for a lot line adjustment between the Christiansen lot and the Foster lot, with the following condition:

1. The approved lot line adjustment is recorded with Davis County.

Mr. Rawlins explained that the reason for the Lot Line Adjustment involves a retaining wall that is currently landscaped and cared for by the Fosters. The Fosters are now selling their property and want the lot line changed to reflect the retaining wall area that they presently care for.

Mr. Cheney raised a question concerning a possible access agreement regarding the circular driveway that connects to both parcels. Mr. Rawlins responded that there is a verbal agreement regarding the driveway, but the new owners of the property will most likely barricade the driveway off for cost and liability reasons.

Mr. Cheney made a motion to approve the Lot Line Adjustment, with conditions outlined by staff, at 2849 South 300 West and 2831 South 300 West, Tyson Foster and Shannon Saylor, and Joy Christiansen, applicants. Mr. Knight seconded the motion.

 A Mr. Cheney
 A Mr. Wilkinson
 A Mr. Knight

Motion passed 3-0.

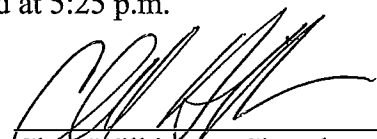
5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Building at 504 E. 650 N., Timothy and Michelle Morley, applicants.

Mr. Cheney made a motion to approve the Conditional Use Permit, in written form, to allow for an Accessory Building at 504 E. 650 N., Timothy and Michelle Morley, applicants. Chairman Wilkinson seconded the motion.

A Mr. Cheney
A Mr. Wilkinson
A Mr. Knight

Motion passed 3-0.

6. **Miscellaneous business and scheduling.** Chairman Wilkinson ascertained that there were no further items to discuss. The meeting was adjourned at 5:25 p.m.



Chad Wilkinson, City Planner